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Technology, LLC, Patientech, LLC and Robert Golden*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

PURPLE INNOVATION, LLC,

Plaintiff,

v.

RESPONSIVE SURFACE TECHNOLOGY,
LLC; PATIENTECH, LLC; ROBERT
GOLDEN; et al.

Defendants.

**MOTION FOR LEAVE TO FILE
OVERLENGTH MOTION**

**Case No. 2:20-cv-00708-RJS-CMR
Judge Robert J. Shelby
Magistrate Cecilia M. Romero**

INTRODUCTION

Defendants hereby move the Court, pursuant to Local Rule DUCivR 7-1(a)(7), for leave to file a Motion to Vacate Arbitration Award in excess of the ten-page, 3,100-word limit. Defendants ask that they be allowed up to twenty-five pages and 7,750 words.

ARGUMENT

Defendants respectfully submit that good cause exists for the extra pages. Defendants' Motion to Vacate will ask the Court to vacate portions of an arbitration award entered against them

in the amount of over \$3.3 million. To succeed on the motion, Defendants must demonstrate that they meet the exacting standards for vacation under the Federal Arbitration Act. Defendants recognize that motions to vacate are not routinely granted; as such, Defendants need to ensure that their response contains sufficient factual and procedural detail as well as compelling legal argument. The factual and procedural history alone take up more than the ten pages normally allotted for “all other motions” under Rule 7-1(a)(4)(D).

The Motion to Vacate is functionally the equivalent of a summary judgment motion, as the outcome of the motion may result directly in entry of a judgment. And as noted above, the amount at issue is well over a million dollars. If this were a motion for summary judgment, Defendants would be allowed forty pages. Defendants do not believe they need that much extra space, but they do respectfully request that they be granted the space that would be allowed for other dispositive motions or injunctive motions, i.e., twenty-five pages or 7,750 words.

A proposed order is submitted herewith and will be emailed to the Court.

CONCLUSION

Defendants therefore respectfully request that they be allowed to file a Motion to Vacate Arbitration Award of up to 25 pages or 7,750 words.

DATED this 18th day of April, 2024

ANDERSON & KARRENBURG

/s/ Stephen P. Horvat
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and Robert Golden*